

1 A bill to be entitled
 2 An act relating to public records; amending s. 1008.24,
 3 F.S.; providing an exemption from public records
 4 requirements for personally identifiable information or
 5 allegations of misconduct obtained or reported in
 6 connection with an investigation of a testing impropriety
 7 conducted by the Department of Education; providing that
 8 the exemption applies until the investigation is concluded
 9 or becomes inactive; providing for future legislative
 10 review and repeal of the exemption under the Open
 11 Government Sunset Review Act; providing a statement of
 12 public necessity; providing an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsection (3) of section 1008.24, Florida
 17 Statutes, is amended to read:

18 1008.24 Test security.--

19 (3) (a) A district school superintendent, a president of a
 20 public postsecondary educational institution, or a president of
 21 a nonpublic postsecondary educational institution shall
 22 cooperate with the Commissioner of Education in any
 23 investigation concerning the administration of a test
 24 administered pursuant to state statute or rule.

25 (b) The identity of a school or postsecondary educational
 26 institution, the personally identifiable information of any
 27 personnel of any school district or postsecondary educational
 28 institution, or any specific allegations of misconduct obtained

29 or reported pursuant to an investigation conducted by the
 30 Department of Education of a testing impropriety are
 31 confidential and exempt from the provisions of s. 119.07(1) and
 32 s. 24(a), Art. I of the State Constitution until the conclusion
 33 of the investigation or until such time as the investigation
 34 ceases to be active. For the purpose of this paragraph, an
 35 investigation shall be deemed concluded upon a finding that no
 36 impropriety has occurred, upon the conclusion of any resulting
 37 preliminary investigation pursuant to s. 1012.796, upon the
 38 completion of any resulting investigation by a law enforcement
 39 agency, or upon the referral of the matter to an employer who
 40 has the authority to take disciplinary action against an
 41 individual who is suspected of a testing impropriety. For the
 42 purpose of this paragraph, an investigation shall be considered
 43 active so long as it is ongoing and there is a reasonable, good
 44 faith anticipation that an administrative finding will be made
 45 in the foreseeable future. This paragraph is subject to the Open
 46 Government Sunset Review Act in accordance with s. 119.15 and
 47 shall stand repealed on October 2, 2014, unless reviewed and
 48 saved from repeal through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
 50 necessity that certain records related to the investigation of a
 51 testing impropriety that are held by the Department of Education
 52 be made confidential and exempt from public records requirements
 53 until an investigation conducted by the department is concluded
 54 or until such investigation becomes inactive. The decisions
 55 relating to accountability and to testing in Florida are of
 56 statewide interest, and there is a strong public interest in the

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57 circumstances surrounding an investigation of a testing
58 impropriety, including the identity of a school or postsecondary
59 educational institution and the actions by teachers,
60 administrators, paraprofessionals, or other individuals, which
61 must be uncovered through a comprehensive investigation that may
62 involve statistical and other analyses. The release of
63 information before an investigation is concluded may reveal
64 sensitive or personal information that could cause unwarranted
65 damage to the names or reputations of the individuals involved.

66 Section 3. This act shall take effect July 1, 2009.